

# ACT No. 670

Regular Session, 2004

SENATE BILL NO. 586

BY SENATOR DARDENNE

1 AN ACT

2 To amend and reenact R.S. 32:1254(N)(3)(f)(i), (iii), and (v) and to enact R.S. 32:1254.2,  
3 relative to motor vehicles; to authorize the Motor Vehicle Commission to render  
4 advisory opinions relative to the distribution and sale of motor vehicles; to provide  
5 a procedure for applying to the commission for an advisory opinion and for  
6 declaratory orders; to provide relative to sales conditioned on financing; to provide  
7 certain requirements for suppliers of mechanical repairs and services for motor  
8 vehicles; to provide for recovery of vehicle in certain instances; and to provide for  
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 32:1254(N)(3)(f)(i), (iii), and (v) are hereby amended and reenacted  
12 and R.S. 32:1254.2 is hereby enacted to read as follows:

13 §1254. Application for license; contents; notices of intent; fees; license; boards;  
14 unauthorized acts; auto shows; successions; sale or transfer of  
15 dealership

16 \* \* \*

17 N. It shall be a violation of this Chapter:

18 \* \* \*

19 (3) For a motor vehicle dealer, speciality vehicle dealer, used motor vehicle  
20 dealer, or a motor vehicle salesman/agent:

21 \* \* \*

22 (f) To deliver to a prospective purchaser a new and unused or a used motor

1 vehicle on a sale conditioned on financing, i.e., a spot delivery, except on the  
2 following terms and conditions which shall be in writing and shall be a part of the  
3 conditional sales contract or other written notification signed by the purchaser:

4 (i) That if the sale is not concluded by the financing of the sale to the  
5 purchaser within ~~seven~~ **twenty-five** days of the delivery, the sale contract shall be  
6 null and void.

7 \* \* \*

8 (iii) That there shall be no charge to the purchaser should the conditional sale  
9 not be completed, including but not limited to mileage charges or charges to refurbish  
10 the vehicle offered for trade-in. However, the purchaser shall be responsible for any  
11 damages to the vehicle occurring during the purchaser's custody of the vehicle to the  
12 extent provided for in ~~R.S. 22:1406(F)~~ **R.S. 22:681**.

13 \* \* \*

14 (v) That the prospective purchaser shall return the vehicle to the dealership  
15 within forty-eight hours of notification by the dealer that the conditional sale will not  
16 be completed. **If the prospective purchaser does not return the vehicle to the**  
17 **dealership within forty-eight hours of notification by the dealer, an authorized**  
18 **agent of the dealer shall have the right to recover the vehicle without the**  
19 **necessity of judicial process, provided that such recovery can be accomplished**  
20 **without unauthorized entry into a closed dwelling, whether locked or unlocked**  
21 **and without a breach of peace.**

22 \* \* \*

23 §1254.2. Motor vehicle repairs

24 **R.S. 32:1254.2 is all new law.**

25 Suppliers of mechanical repairs and services for motor vehicles shall provide  
26 each consumer with an itemized bill indicating repairs and services performed, parts  
27 replaced, or materials used, the total labor charge, and the identity of the mechanic,  
28 repairman, or supplier who performed the work. However, nothing in this Section  
29 shall prohibit a supplier of mechanical repairs and services from charging a service

1 fee for the use of shop supplies such as rags, fender covers, small amounts of fluid,  
2 or other items which are not itemized, provided that said fee does not exceed five  
3 percent of the total invoice for mechanical repairs or thirty-five dollars, whichever  
4 is less.

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_